

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

GPS INDUSTRIES, INC. and	§	
OPTIMAL I.P. HOLDINGS, L.P.,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 3:07-CV-0831-K
	§	
ALTEX CORPORATION, et al.,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiffs' Expedited Motion for Clarification of the Court's Order and Judgment Granting Defendant Skyhawke Technologies LLC's ("Skyhawke") Motion to Dismiss for Lack of Subject Matter Jurisdiction (doc. 420). Plaintiffs contend the Court's Memorandum Opinion and Order cannot be reconciled with the Court's Judgment entered the same date. Specifically, the Court found in the opinion and order that it lacked subject matter jurisdiction over the case from the initial filing date and, therefore, dismissal of the entire case was appropriate. In the judgment, however, the Court ordered Plaintiffs claims be dismissed, but did not refer to the counterclaims filed by Defendants. (Skyhawke did not file any counterclaims). The Court **GRANTS** the motion.

To reconcile any inconsistency, **the case, including any counterclaims, is dismissed in its entirety** as the Court lacked subject matter jurisdiction for the reasons stated in its opinion and order dated July 27, 2009 (doc. 418). An amended final

judgment will enter concurrently with this order, reflecting this clarification.

**SO ORDERED.**

Signed August 12<sup>th</sup>, 2009.

  
ED KINKEADE  
UNITED STATES DISTRICT JUDGE